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December 6, 2018

Via Hand Delivery & ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, S.W.
Washington D.C. 20554

Re: Sprint Communications Company L.P.
CG Docket Nos. 03-123, 10-51
Amended Application for Certification to
Provide Internet-based TRS

Dear Ms. Dortch:

Sprint Communications Company L.P. ("Sprint") hereby submits the attached amended application for certification as a provider of Internet-based Telecommunications Relay Services ("iTRS"). Sprint is providing an original and four (4) copies and it is also filing a public, redacted version of this filing via ECFS. Sprint also attaches a Request for Confidential Treatment for some of the information contained within the amended application.

Please date-stamp the extra copy and return it to the courier. Please let me know if you have any questions or concerns.

Respectfully submitted,

/s/ Scott R. Freiermuth
Scott R. Freiermuth

Attachment



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**REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

December 6, 2018

Via Hand Delivery & ECFs

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, S.W.
Washington D.C. 20554

**Re: *Request for Confidential Treatment – Amended Application
of Sprint Communications Company L.P. for Certification to
Provide Internet-based TRS – CG Docket Nos. 10-51, 03-123,
File No. _____***

Dear Ms. Dortch:

Sprint Communications Company L.P. (“Sprint”) hereby submits the attached amended application for certification as a provider of Internet-based Telecommunications Relay Services (“iTRS”). Pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Sprint requests confidential treatment for the information that has been marked confidential and/or redacted in the attached amended application and exhibits (“Sprint Information”), which contains commercially sensitive information. The Sprint Information relates to Sprint’s

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure “to any extent not authorized by law” of “information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”).

provision of IP Relay and IP CTS services and includes company-specific, highly confidential and/or proprietary financial and commercial information data that are protected from disclosure by FOIA Exemption 4² and the Commission's rules protecting information that is not routinely available for public inspection and that would customarily be guarded from competitors.³

1. *Identification of the specific information for which confidential treatment is sought.* Sprint requests that all of the information marked confidential and/or redacted in the attached amended application, including all exhibits, be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential financial, commercial and other information not routinely available for public inspection. The Sprint Information concerns the company's provision of IP CTS and IP Relay and is company-specific, competitively-sensitive, business confidential and/or proprietary financial and commercial information concerning Sprint's operations that would not routinely be made available to the public, and has been carefully guarded from competitors. If it were disclosed, Sprint's potential competitors could use it to determine information regarding Sprint's competitive position, operations, and performance, and could use that information to gain a competitive advantage over Sprint.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Sprint is submitting this information in support of the attached amended application to the Commission in CG Docket Nos. 10-51 and 03-123.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Sprint Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial and financial information.⁴ This information can be used to determine information about Sprint's operations and finances that is sensitive for competitive and other reasons. This information would not customarily be made available to the public in this form and customarily would be guarded from all others, especially potential competitors that could use the information to enhance their market position at Sprint's expense.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates to the provision

² 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. §§ 0.457(d) and 0.459.

⁴ The Commission has broadly defined commercial information, stating that "[c]ommercial' is broader than information regarding basic commercial operations, such as sales and profits; it includes information about work performed for the purpose of conducting a business's commercial operations." *Southern Company Request for Waiver of Section 90.629 of the Commission's Rules*, Memorandum Opinion and Order, 14 FCC Rcd 1851, 1860 (1998) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)).

of IP CTS and IP Relay, which was is subject to vigorous competition from other telecommunications relay service providers. While IP Relay currently has only one provider (*i.e.*, Sprint), the Sprint Information could be utilized by potential competitors who may wish to provide IP Relay services; moreover, due to the similarities in Sprint's operations for the provision of TRS and IP Relay, the Sprint Information related to IP Relay could be utilized by Sprint's competitors for state relay services. If the information is not protected, Sprint's competitors and potential competitors will be able to use it to their competitive advantage.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because Sprint's competitors and potential competitors could assess aspects of Sprint's commercial operations and financial position and could use that information to undermine Sprint's competitive position.

6-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The Sprint Information is not available to the public, and has not otherwise been disclosed previously to the public. Sprint takes precautions to ensure that this information is not released to the general public or obtained by its competitors and potential competitors through other means.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Sprint requests that the Sprint Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The Commission has recognized that such data and information are among the categories of commercial and financial information that should be routinely treated as confidential, and the Commission's rules contemplate that this information will be accorded confidential treatment.⁵ Under applicable Commission and federal court precedent, the information provided by Sprint on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government;

⁵ See 47 C.F.R. § 64.604(c)(5)(iii)(I) ("[t]he administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form[.]").

and (3) privileged or confidential. The commercial and financial information in question clearly satisfies this test.

Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.⁶ Failure to accord confidential treatment to this information is likely to dissuade providers from voluntarily submitting such information in the future, thus depriving the FCC of information necessary to evaluate facts and market conditions relevant to applications and policy issues under its jurisdiction.

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Sprint to pursue appropriate remedies to preserve the confidentiality of the information.

If you have any questions or require further information regarding this request, please do not hesitate to contact me.

Respectfully submitted,

/s/ Scott R. Freiermuth
Scott R. Freiermuth

Attachment

⁶ See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained'" (citation omitted)).

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Structure and Practices of the Video Relay Service Program)	CG Docket No. 10 - 51
)	
Telecommunication Relay Service and Speech to Speech Services for Individuals with Hearing and Speech)	CG Docket No. 03 - 123
)	
Internet-based TRS Certification)	File No. _____
Application of Sprint Communications Company L.P.)	

**SECOND AMENDMENT TO APPLICATION OF SPRINT COMMUNICATIONS
COMPANY L.P. FOR CERTIFICATION AS A PROVIDER OF INTERNET-BASED
TELECOMMUNICATIONS RELAY SERVICES**

Sprint Communications Company L.P., an indirect wholly-owned subsidiary of Sprint Corporation ("Sprint") and the provider of Sprint's Telecommunications Relay Services ("TRS") hereby respectfully submits a second amendment to Sprint's Internet-based TRS ("iTRS") provider Certification Application updating the information required by 47 CFR § 64.606 to continue providing its iTRS services and receiving compensation from the Interstate TRS Fund. Sprint's amended application is limited to the provision of its Internet Protocol Relay Service ("IP Relay") and its Internet Protocol Captioned Telephone Service ("IP CTS").¹

¹ The requirement to apply for and receive a certificate from the Federal Communications Commission ("FCC" or "Commission") to provide Internet-based TRS services in order to continue to receive compensation from the TRS Fund was imposed by the FCC in its July 28 2011, *Second Report and Order* in CG Docket No.10-51 (FCC 11-118) (*In the Matter of Structure and Practices of the Video Relay Service Program*). Sprint is currently eligible to be compensated by the TRS Fund for its provision of these services by virtue of the fact that it is a common carrier providing TRS service and because it provides traditional TRS services in a number of states pursuant to contracts with those states. 47 C.F.R. § 64.604(c)(5)(iii)(F). Sprint filed its initial application for iTRS certification on December 5, 2011.

By this amendment, Sprint is updating information last provided to the Commission in its January 24, 2018 amended application as follows:

I. Updating Section I. Introduction

The fourth sentence of this Section is change to state: Currently, 37 states, Puerto Rico, and the U.S. Virgin Islands have designated Sprint to provide traditional TRS and Speech-to-Speech (“STS”) services to residents of those states who are deaf, hard of hearing, DeafBlind, or have a speech disability.

II. Updating Section II: Required Information for Certification

A. Description of Sprint’s Internet-based TRS Offerings [47 C.F.R. §64.606(a)(2)(i)]

IP Relay

In addition to the features listed on pages 4-5 of its January 24, 2018 amended application, Sprint released a series of enhancements to its IP Relay web application and the Sprint IP Relay mobile app for iOS and Android:²

- New look and functionality for Sprintip.com
- Single number access for the web and mobile app
- Integration of an automated registration and identity verification feature within the new sprintip.com website
- Updated all content to toggle from English to Spanish
- A new pacing feature that allows IP Relay users to request to slow the transmission speed as low as 10 WPM
- Ability to receive notifications for newer app versions
- Ability to use landscape screen views

² In accordance with 47 CFR §1.65 and 47 CFR §606(f), Sprint notified the FCC of these enhancements on September 28, 2018. *See*, Letter from Scott R. Freiermuth to Marlene H. Dortch, Secretary, Federal Communications Commission (dated Sept. 28, 2018).

- Ability to use the Accessibility phone features for increased font sizes, bold text or invert colors throughout app

B. Description of How Sprint's Internet-based TRS Offerings Meet All Non-Waived Mandatory Minimum Standards [47 C.F.R. §64.606(a)(2)(ii)]

Sprint continues to meet or exceed all of the non-waived minimum standards applicable to IP Relay and IP CTS. As part of Sprint's company-wide migration from circuit-switched to packet-switched digital networks, Sprint's relay services were migrated to digital. Prior to this migration, Sprint's relay services were connected to the public switched telephone network (PSTN) using time division multiplexing (TDM) circuits that consist of SS7 and ISDN lines. As of April 17, 2018, Sprint moved all inbound and outbound relay calling to data networks using session initiation protocol (SIP). For IP Relay services specifically, both inbound and outbound calls now traverse the SIP calling path. This transition has had no effect on Sprint's ability to meet the Non-Waived Mandatory Minimum Standards.³

By way of update to the Customer Proprietary Network Information requirements (64.5105, 64.5107, 64.5108, 64.5109, and 64.5110), as previously stated, Sprint has submitted to the FCC annual CPNI certification statements through 2015. However, the FCC waived the 2016 certification statement for all carriers; the 2017 CPNI certification statement was filed on March 1, 2018.

C. A list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company). [47 C.F.R. §64.606(a)(2)(ii)(B)]

³ See, Letter from Scott R. Freiermuth to Marlene H. Dortch, Secretary, Federal Communications Commission (dated May 1, 2018).

The beneficial owner of 10 percent or more of Sprint's common stock continues to be SoftBank Group Corp. ("SoftBank"). The second sentence of this section is updated to read: SoftBank owns approximately 85.85 percent of the outstanding common stock of Sprint Corporation as of April 25, 2018.⁴

- Updated Description of Sprint Corporation's organizational structure: available at <https://www.sec.gov/Archives/edgar/data/101830/000010183017000015/sprintcorp10-kexhibit212017.htm>.
- Updated list of Sprint's Senior Executives: available at <http://newsroom.sprint.com/executive-team/>.
- Updated list of the current members of Sprint Nextel's Board of Directors: available at <http://investors.sprint.com/corporate-governance/default.aspx>

D. A list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities. [47 C.F.R. §64.606(a)(2)(ii)(C)]

The employee figures on page 7 – 8 of the amended application are hereby updated as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴ SoftBank Group Corp. is part of a group which consists of SoftBank Group Corp. and two subsidiaries: Starburst I, Inc. and Galaxy Investments Holdings, Inc. See, Sprint Corporation Schedule 13D filed with Securities Exchange Commission, April 25, 2018, available at: <https://www.sec.gov/Archives/edgar/data/101830/000119312517383511/d515898dsc13da.htm>

I. A Statement that the Provider Will File Annual Compliance Reports Demonstrating Continued Compliance with these Rules. [47 C.F.R. §64.606(a)(2)(iv)]

Sprint has provided the FCC with updates since its original application.⁶ And, Sprint is providing this second amended application updating its original iTRS Certification Application to ensure the Commission has all the necessary and updated information to make a determination regarding its pending application. Sprint also again notes that, in conjunction with its request for compensation from the TRS Fund, Sprint files on a monthly basis a statement from an officer of the company certifying that Sprint is “in compliance with Section

⁵

⁶ See, Letter from Michel B. Fingherhut to Marlene H. Dortch, Secretary, Federal Communications Commission, regarding *Modification to the Internet-based TRS Certification Application of Sprint Communications Company L.P.*, CG Docket No. 10-51, File No. ____ (March 18, 2013), and Letter from Scott R. Freiermuth to Marlene H. Dortch, Secretary, Federal Communications Commission, regarding *Modification to the Internet-based TRS Certification Application of Sprint Communications Company L.P.*, CG Docket No. 10-51, File No. ____ (November 6, 2015).

225 of the Communications Act and the Commission's rules and orders.”⁷ Finally, Sprint intends to file annual reports upon FCC certification or in reference to its initial application.⁸

J. Statement of Senior Executive of Sprint [47 C.F.R. §64.606(a)(2)(iv)]

Please see Exhibit A.

III. Conclusion

For the reasons set forth above and in the Application plus previous amendment, Sprint submits that it has satisfactorily demonstrates compliance with all the requirements of its IP Relay and IP CTS offerings, and that the public would be served by a granting of the application.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.

/s/ Scott R. Freiermuth

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Its Attorney

December 6, 2018

⁷ 47 C.F.R. §64.604(c)(5)(iii)(D)(5).

⁸ Thus, in addition to serving as a second amended application for certification as an iTRS provider, this filing also fulfills, to the extent applicable, the annual report requirement in 47 CFR 65.606(a)(2)(iv).

EXHIBIT A

DECLARATION OF MICHAEL FITZ, VICE PRESIDENT, SPRINT WIRELINE

I swear under penalty of perjury that I am Michael Fitz, Vice President of Sprint Wireline, an officer of the above-named applicant and/or reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as documentation contained in this submission, are true, accurate, and complete.

Signed and dated December 5, 2018.

A handwritten signature in dark ink, appearing to read "Michael Fitz", is written above a horizontal line.

Michael Fitz
Vice President, Sprint Wireline